IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 11876 of 2007

For Approval and Signature:

HONOURABLE MR.JUSTICE AKSHAY H.MEHTA

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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RAJENDRA DHIRAJSINH CHAVDA

Versus

THE DISTRICT MAGISTRATE & DISTRICT COLLECTORATE AND OTHERS

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Appearance :
MR KK TRIVEDI for the Petitioner

MR DILIP B RANA for Respondent No.3
Ms Falguni Patel, Assistant Government Pleader for respondents Nos. 1, 2 and 4

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CORAM : HONOURABLE MR.JUSTICE AKSHAY H.MEHTA

Date : 29/06/2007

ORAL JUDGMENT

RULE. I have heard Mr Trivedi, learned advocate for the petitioner, Mr DB Rana, learned advocate for respondent No.3 and Mrs

Falguni Patel, learned Assistant Government Pleader for respondents Nos.1, 2 and 4. The petitioner has been running his restaurant in the property which is constructed by respondent No.3 on the land allotted to it by the Government for carrying on the marketing activity in respect of the agricultural products. The State Government has resumed the land on the ground that respondent No.3 committed breach of the terms on which the land was allotted to it. Against the said decision respondent No.3 as well as the petitioner and also Surat District Cooperative Bank have preferred further proceedings to challenge the act of resumption. It appears that the revision application filed by the petitioner and the said Bank are pending before the Special Secretary, Revenue Department. The said authority has passed order directing the maintenance of status quo vide its order dated 29th March 2007. The petitioner's licence to run the restaurant/eating place expired on 31.12.2004 and before its expiry he made an application for renewal of the same by paying licence fee up to March 2008. The said application has been turned down on the ground that the land has been resumed by the Government. However, in view of the fact that revision application filed by the petitioner is pending before the revisional authority and order regarding status quo has been passed, till such time the revision application is decided the petitioner can be permitted to run the restaurant. In view of the same, respondent No.1 is directed to issue licence to the petitioner as prayed for by him and in the event the order in revision application is against the petitioner, respondent No.1 will be at liberty to revoke the same. With this limited direction, the petition stands disposed of.

(Akshay H Mehta, J.)

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